

REMARKS

35 U.S.C. 102 – Rejections for Anticipation & Obviousness

Claims 46, 48-51, and 57-61 stand rejected as anticipated by Dunn's International Application (WO 97/12272). Likewise, the remaining claims are rejected as obvious. While it is believed that said rejections are obviated by the instant response, it is still applicant's wish to explain technical differences between contact lenses and IOL's, in the context of the instant teachings.

It is respectfully proposed that pseudophakic IOL's are the art common to what Dunn disclosed and what applicant teaches. Phakic IOL's having multifocal characteristics were neither known nor available at the time that Dunn filed the International Case cited in applicant's IDS. That is probably why simply adding on some claims does not disclose what applicant is teaching.

It is further respectfully proposed that Dunn's US companion case (U.S. Letters Patent No. 5,864,379) clarifies this and denotes what the inventive features of said disclosure are – namely, a near center (overcorrected near) and progressively but monotonically changes of power to the distance prescription in the periphery. Applicant is prepared to offer a declaration from one of normal skill in the art to support this in the event that the Examiner deems the same to be necessary.

Likewise, applicant's phakic IOL addresses presbyopia, whereas (even assuming that these were analogous optical systems) it is respectfully proposed that any Dunn IOL will have poor ^{or} no distance vision for moderately bright light where the human pupil is between about 2.5mm and 4 mm. Once again, applicant is happy to offer for the Examiner's consideration a declaration from an optical scientist stating that effectively no "distance" vision power in Dunn's description, whereas an object of the present invention is both distance and low-add (near) vision. See Fig. 3.

Since the instant claims now define the patentable subject matter at issue, they should be passed to allowance and issue. Such relief, or a telephone conference with the undersigned at 714.247.8510, are earnestly solicited.

Application No.: 09/960,032
GAU: 3738

REMARKS

Claims 46-64 are pending in this case. All of the claims stand rejected. Reconsideration and reversal of the instant rejections is not required because the claims are canceled. New claims 5 65-69 are offered herein for consideration, along with these remarks to better specify the subject matter disclosed and taught by applicant in the instant matter.

Early and favorable resolution of these claims is hereby earnestly solicited.

The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee or credit any overpayment to Deposit Account No. 502317.

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CERTIFICATE OF MAILING

I hereby certify that the above-identified document is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on 10-14-03

By: R. Smith